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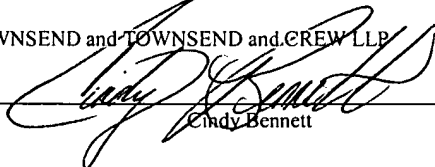
PATENT
Attorney Docket No.: 020375-002700US

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MAIL STOP: Appeal Brief - Patents
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P.O. Box 1450
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TOWNSEND and TOWNSEND and CREW LLP

By


Cindy Bennett

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APR 01 2004
GROUP 3600

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS**

In re application of:

Allén-Rouman et al.

Application No.: 09/516,209

Filed: February 29, 2000

For: ELECTRONIC PURCHASE METHOD
AND FUNDS TRANSFER SYSTEM

Customer No.: 20350

Confirmation No. 1082

Examiner: Alain L. Bashore

Technology Center/Art Unit: 3624

APPELLANT'S BRIEF UNDER
37 CFR §1.192

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant offers this brief in furtherance of the Notice of Appeal mailed on January 29, 2003 in the above-referenced case. This brief is submitted in triplicate as required by 37 CFR 1.192(a).

REAL PARTY IN INTEREST:

At the time of the filing of this appeal brief, First Data Corporation is the real party in interest for this appeal.

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RELATED APPEALS AND INTERFERENCES:

No other appeals or interferences are known which will directly affect, are directly affected by, or have a bearing on the board decision of the pending appeal.

STATUS OF CLAIMS:

Claims 14-18, 24-27, 29-33, 35-37 and 39-46 are currently pending in the application, but stand rejected by the Examiner. Claims 16-18 were originally filed in the application on February 29, 2000. Claims 24-27, 29-33 and 35-43 were added by Preliminary Amendment, filed on January 7, 2002. Claims 44-46 were added in the response to the first Office Action, filed on June 18, 2002.

Claims 14-18, 24-27, 29-33, 35-37 and 39-46 are believed improperly rejected and are the subject of this appeal. A copy of the claims as rejected is attached as Appendix A.

STATUS OF AMENDMENTS:

A Preliminary Amendment was filed on January 7, 2002. An Amendment was mailed on June 18, 2002 in response to the first Office Action. An Amendment was filed on January 21, 2003 in response to the final Office Action. After filing a Notice of Appeal on March 27, 2003, an Amendment was filed on August 4, 2003 in response to the non-final Office Action mailed May 7, 2003. A Response to Notice of Non-Compliant Amendment was filed on August 21, 2003.

This Appeal Brief is filed in response to the non-final Office Action mailed on October 31, 2003. No amendments are un-entered.

SUMMARY OF THE INVENTION:

The invention relates to a funds transfer system **100** that facilitates electronic purchases. Figure 2 of the Application shows an embodiment of such a system **100**. Purchase information passes from a vendor **220** to the funds transfer server **130**. Application, Fig. 4, step 201. Purchaser information passes from a purchaser **210** to the funds transfer server **130**. Id., Fig. 4, step 202. At least the purchaser information is validated in step **203**. In cases where

information cannot be validated, the payor 310 is notified by the funds transfer server 130. Id., Fig. 4, step 302a. The information could be stored in a database and checked against that database. Id., claim 39. Where the information is validated, a digital IOU is sent to the vendor. Id., Fig. 4, step 204a. The vendor can redeem the digital IOU. Id., Fig. 4, step 206.

ISSUES:

Issue I: Whether under 35 U.S.C. §112, second paragraph, claims 4, 29, 35 and 38 are indefinite for failing to particularly point out and distinctly claim their subject matter. Paragraphs 1 and 2 of the Office Action, mailed October 31, 2003, describe the Examiner's current position on this issue.

Issue II: Whether under 35 U.S.C. §103(a) claims 14-18, 24-27 and 39-44 are unpatentable over cited portions of U.S. Patent No. 5,677,955 to Doggett et al. ("Doggett") in view cited portions of U.S. Patent No. 5,920,847 to Kolling et al. ("Kolling"). Paragraphs 3 and 4 of the Office Action, mailed October 31, 2003, describe the Examiner's current position on this issue.

Issue III: Whether under 35 U.S.C. §103(a) claims 29-33 and 35-37 are unpatentable over Doggett in view of Kolling and in further view of cited portions of U.S. Patent No. 5,987,140 to Rowney et al. ("Rowney"). Paragraph 5 of the Office Action, mailed October 31, 2003, describes the Examiner's current position on this issue.

GROUPING OF THE CLAIMS:

Appellant submits that the claims do not stand or fall together for the reasons set forth in the Argument section. For the purposes of this appeal, the claims are grouped as follows:

- Group I: Claim 38 stands alone.
- Group II: Claims 14-18 stand or fall together.
- Group III: Claims 24-27 and 44-46 stand or fall together.
- Group IV: Claims 39-43 stand or fall together.
- Group V: Claims 29-33 stand or fall together.
- Group VI: Claims 35-37 stand or fall together.

Although certain claims are grouped above to stand or fall together, Appellant reserves the right outside the context of this appeal to argue independent patentability of any grouped claims.

AURGUMENT:

I. Issue I, Group I: 35 U.S.C. §112 Rejection, Second Paragraph of Claim 38

Claims 14, 29, 35 and 38 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Contrary to the Examiner's assertion, Appellant is aware of no legal requirement that all conditional permutations be defined in a claim. Where the claim is silent on a given permutation, all possible actions are claimed for that permutation. This is not indefinite, just basic claim construction. If this rejection is maintained, Appellant respectfully requests further explanation as to why silence on a particular permutation is indefinite.

II. Issue II, Group II: 35 U.S.C. §103(a) Rejection of Claims 14-18

The Office Action has rejected claims 14-18, 24-27 and 39-44 under 35 U.S.C. §103(a) as being unpatentable over cited portions of U.S. Patent No. 5,677,955 to Doggett et al. ("Doggett") in view cited portions of U.S. Patent No. 5,920,847 to Kolling et al. ("Kolling"). The patent office is charged with putting forth a *prima facie* showing of obviousness. Appellant

believes a *prima facie* case of obviousness has not been properly set forth in the Office Action. The basic test is excerpted below:

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP §2143, Original Eighth Edition, August, 2001, Latest Revision February 2003.

Appellant believes the rejection has flaws with all three prongs of the above test for establishing a *prima facie* case of obviousness.

Teachings Missing from the Cited References

With regard to the third prong of the test, Appellant believes that Doggett and Kolling do not, either alone or in combination, teach or suggest the invention in the claims. More specifically, none of Doggett or Kolling teach or suggest "receiving purchaser information from a purchaser, the purchaser information including an identification of the purchaser account" as required by claim 14. For at least this reason, Appellant respectfully requests for reconsideration of the rejection to the claims.

Missing Limitation: Receiving Purchaser Information from a Purchaser

Claim 14 requires receiving purchaser information from a purchaser that includes a purchaser account. Doggett is cited for this proposition in paragraph 4 of the Office Action by saying the memorandum of proposed transaction 66 includes these items. Office Action, page 3, second paragraph, second sentence. As is plainly shown in Fig. 3 of Doggett, the memorandum of proposed transaction 66 passes from the payee to the payor/purchaser. This is the wrong direction for this information to travel to anticipate this claim limitation. Doggett does not teach this limitation.

Motivation to Combine Doggett and Kolling

The first prong of the test requires, a suggestion or motivation to combine references to avoid hindsight reconstruction of the claimed invention based upon the information disclosed in the present application. The last two paragraphs of section 4 of the Office Action appear to address the motivation to combine Doggett and Kolling, but the Appellant cannot ascertain the nature of this argument. It appears to rely upon an "obvious to try" standard, which is not the legal standard. The only way this combination of Doggett and Kolling makes any sense is to use the Appellant's claims as a template, which is impermissible hindsight reconstruction. Specific motivation relevant to the claimed limitations is respectfully requested in any further office action.

Reasonable Likelihood of Success in Combining Doggett and Kolling

The second prong of the test requires a reasonable likelihood of success in making the suggested combination. Combining the two bill payment system of Kolling with the electronic funds transfer system of Doggett is not a trivial task. Further, how would one of ordinary skill in the art hope to combine these references with any likelihood of success? One of ordinary skill in the art would not be able to these references in the suggested manner with any likelihood of success. To say differently trivializes the substantial effort required to design and implement these types of systems.

III. **Issue II, Group III: 35 U.S.C. §103(a) Rejection of Claims 24-27 and 44-46**

The Office Action has rejected claims 14-18, 24-27 and 39-44 under 35 U.S.C. §103(a) as being unpatentable over Doggett in view of Kolling. The patent office is charged with putting forth a *prima facie* showing of obviousness. Appellant believes a *prima facie* case of obviousness has not been properly set forth in the Office Action.

More specifically, Appellant believes the rejection has flaws with all three prongs of the above test for establishing a *prima facie* case of obviousness. The arguments relating to the first and second prongs of the test are given in the immediate preceding section and not repeated here.

Teachings Missing from the Cited References

With regard to the third prong of the test, Appellant believes that Doggett and Kolling do not, either alone or in combination, teach or suggest the invention in the claims. More specifically, none of Doggett or Kolling teach or suggest notifying the payor that the payment information is not valid as generally required by claim 24. For at least this reason, Appellant respectfully requests for reconsideration of the rejection to the claim.

Missing Limitation: Notifying the Payor that the Payment Information is Invalid

Claim 24 requires notifying the payor that the payment information is not valid. The Examiner cites Figure 7 of Kolling for teaching this limitation. Office Action, page 4, second paragraph. The NSF notice 46 corresponds to the arrows 8, 10, 12 from the Bank C back to the Biller or payee 14. Kolling, Fig. 7 and col. 20, lines 38-59. In contrast, the claim requires notifying the payor and not the payee such that the notification in Kolling is going in the wrong direction.

IV. **Issue II, Group IV: 35 U.S.C. §103(a) Rejection of Claim 39**

The Office Action has rejected claims 14-18, 24-27 and 39-44 under 35 U.S.C. §103(a) as being unpatentable over Doggett in view of Kolling. The patent office is charged with putting forth a *prima facie* showing of obviousness. Appellant believes a *prima facie* case of obviousness has not been properly set forth in the Office Action. More specifically, Appellant believes the rejection has flaws with all three prongs of the above test for establishing a *prima facie* case of obviousness. The arguments relating to the first and second prongs of the test are given in the preceding Section II and not repeated here.

Teachings Missing from the Cited References

With regard to the third prong of the test, Appellant believes that Doggett and Kolling do not, either alone or in combination, teach or suggest the invention in the claims. More specifically, none of Doggett or Kolling teach or suggest: (1) notifying the payor that the payment information is not valid as generally required by claim 39; (2) the database that has

purchaser information and vendor information as required by claim 39; and (3) comparing payment information and purchase information against the database as required by claim 39. For at least these reasons, Appellant respectfully requests for reconsideration of the rejection to the claims.

First Missing Limitation: Notifying the Payor that the Payment Information is Invalid

Claim 39 requires notifying the payor that the payment information is not valid. The Examiner cites Figure 7 of Kolling for teaching this limitation. Office Action, page 4, second paragraph. The NSF notice 46 corresponds to the arrows 8, 10, 12 from the Bank C back to the Biller or payee 14. Kolling, Fig. 7 and col. 20, lines 38-59. In contrast, the claim requires notifying the payor and not the payee such that the notification in Kolling is going in the wrong direction.

Second Missing Limitation: Database with Purchaser and Vendor Information

Claim 39 requires the database that has purchaser information and vendor information. The only reference to a database in the Office Action is on page 4, second paragraph. But, the Examiner makes no argument as to how any of the references might teach or suggest this limitation. This further accentuates the lack of a *prima facie* case of obviousness being set forth. If this portion of the Office Action is meant to explain how Kolling teaches this limitation, the Appellant cannot ascertain the nature of this argument.

Third Missing Limitation: Comparing Purchase and Payment Information Against the Database

Claim 39 requires comparing the purchase and payment information against a database. The only reference to a database in the Office Action is on page 4, second paragraph. But, the Examiner makes no argument as to how any of the references might teach or suggest this limitation. This further accentuates the lack of a *prima facie* case of obviousness being set forth. If this portion of the Office Action is meant to explain how Kolling teaches this limitation, the Appellant cannot ascertain the nature of this argument.

V. Issue III, Group V: 35 U.S.C. §103(a) Rejection of Claim 29-33

The Office Action has rejected claims 29-33 and 35-37 under 35 U.S.C. §103(a) as being unpatentable over Doggett in view of Kolling and in further view of cited portions of U.S. Patent No. 5,987,140 to Rowney et al. ("Rowney"). The patent office is charged with putting forth a *prima facie* showing of obviousness. Appellant believes a *prima facie* case of obviousness has not been properly set forth in the Office Action. It appears section 5 of the Office Action is addressing claims 29-33, but expresses that it is addressing claims 35-37. In any event, there appears to be no discussion in the Office Action of the "requesting" and "receiving" steps of claim 29. Once a *prima facie* argument is set forth for the proposition that claim 29 is unpatentable, the Appellant can address that argument.

VI. Issue III, Group VI: 35 U.S.C. §103(a) Rejection of Claim 35-37

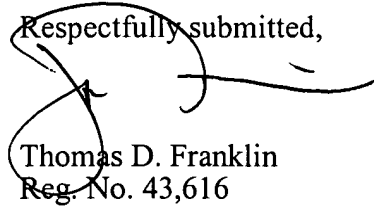
The Office Action has rejected claims 29-33 and 35-37 under 35 U.S.C. §103(a) as being unpatentable over Doggett in view of Kolling and in further view of Rowney. The patent office is charged with putting forth a *prima facie* showing of obviousness. Appellant believes a *prima facie* case of obviousness has not been properly set forth in the Office Action. Section 5 of the Office Action indicates it is addressing claims 35-37, but seems to be addressing claims 29-33. In any event, Appellants believe that the "requesting" and "receiving" steps should be specifically addressed in any *prima facie* rejection of claim 35.

CONCLUSION

Please deduct the requisite fee, pursuant to 37 C.F.R. §1.17(c), of \$330.00 from deposit account 20-1430 and any additional fees associated that may be due in association with the filing of this Brief. This Brief is submitted in triplicate.

If for any reason the Examiner believes a telephone conference would in any way expedite resolution of the issues raised in this appeal, the Examiner is invited to telephone the undersigned attorney at (303) 571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Thomas D. Franklin", written over the typed name and registration number.

Thomas D. Franklin
Reg. No. 43,616

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APPENDIX LIST OF PENDING CLAIMS

Claims 1-13 (Canceled)

14. (Previously Presented) A method for facilitating an electronic purchase using a funds transfer system, the method comprising steps of:

- receiving purchase information from a vendor, the purchase information including a purchase price;
- receiving purchaser information from a purchaser, the purchaser information including an identification of a purchaser account;
- validating the purchaser information, wherein:
 - if the purchaser information is validated, electronically sending a digital IOU to the vendor, and
 - the digital "I owe you" (IOU) is comprised of the purchase price;
- and
- redeeming the digital IOU.

15. (Previously Presented) The method of claim 14 wherein the step of redeeming the digital IOU further comprises steps of:

- receiving the digital IOU from the vendor;
- confirming the digital IOU;
- receiving funds from the purchaser account equal to the digital IOU into a funds transfer account; and
- transferring the funds to the vendor from the funds transfer account.

16. (Original) The method of claim 14 wherein if the purchaser information is not validated, sending a message to the purchaser that the electronic purchase is denied.

17. (Original) The method of claim 14 wherein if the purchaser information is not validated, further comprising a step for adding the purchaser to a purchaser database.

18. (Original) The method of claim 15 wherein the step for confirming the digital IOU comprises comparing a digital signature on the digital IOU to a signature log at a funds transfer system.

Claims 19-23 (Canceled)

24. (Previously Presented) A method for transferring funds from a payor to a payee as part of a checkout process, the method comprising steps of:

receiving payment information with a funds transfer system, the payment information including payee identification, payor identification and payment amount;

validating the payment information at the funds transfer system;

notifying the payor that the payment information is not valid if the validating step is unsuccessful; and

transferring funds from a payor account to a payee account through the funds transfer system if the payment information is validated.

25. (Previously Presented) The method for transferring funds from the payor to the payee as part of the checkout process as recited in claim 24, the method further comprising a step of notifying the payee of the funds transfer.

26. (Previously Presented) The method for transferring funds from the payor to the payee as part of the checkout process as recited in claim 24, wherein the step for validating the payment information comprises a step of checking the payor identification and the payee identification against a user database at the funds transfer system.

27. (Previously Presented) The method for transferring funds from the payor to the payee as part of the checkout process as recited in claim 26, wherein the user database includes account information for the payor and the payee.

Claim 28 (Canceled)

29. (Previously Presented) An electronic transaction method for transferring funds from a user account to a vendor account to compensate the vendor for a purchase selected by a user while accessing a vendor system online and after the user selects from the vendor system a payment option associated with a funds transfer system, the method comprising steps of:

establishing a connection from the funds transfer system to the user during checkout of the user with the vendor system, wherein the funds transfer system is separate from the vendor system;

receiving purchase data from the vendor system with the funds transfer system;

requesting validation from the user for the purchase;

receiving with the funds transfer system validation information from the user;

checking the validation information at the funds transfer system against a database; and

transferring funds from the user account to the funds transfer system if the step of checking the validation information is successful; and

transferring funds from the funds transfer system to the vendor account.

30. (Previously Presented) The electronic transaction method for transferring funds from the user account to the vendor account to compensate the vendor for the purchase selected by the user while accessing the vendor system online and after the user selects from the vendor system the payment option associated with the funds transfer system as recited in claim 29, further comprising a step of returning a message to the user denying the purchase if the step of checking the validation information is unsuccessful.

31. (Previously Presented) The electronic transaction method for transferring funds from the user account to the vendor account to compensate the vendor for the purchase selected by the user while accessing the vendor system online and after the user selects from the vendor system the payment option associated with the funds transfer system as recited in claim

29, further comprising a step of modifying account information in the database associated with the user if the step of checking the validation information is unsuccessful.

32. (Previously Presented) The electronic transaction method for transferring funds from the user account to the vendor account to compensate the vendor for the purchase selected by the user while accessing the vendor system online and after the user selects from the vendor system the payment option associated with the funds transfer system as recited in claim 29, wherein at least one of the user account and the vendor account is a bank account.

33. (Previously Presented) The electronic transaction method for transferring funds from the user account to the vendor account to compensate the vendor for the purchase selected by the user while accessing the vendor system online and after the user selects from the vendor system the payment option associated with the funds transfer system as recited in claim 29, wherein the user account is a credit card account.

Claim 34 (Canceled)

35. (Previously Presented) A method for authorizing an electronic purchase during checkout with a user and a vendor system, the method comprising the steps of:

- receiving purchase information from the vendor system, wherein the purchase information comprises a purchase price;
- requesting payment information from the user;
- receiving payment information from the user with funds transfer system;
- validating the payment information with the funds transfer system;
- crediting a vendor account in a first amount that corresponds to the purchase price if the step of validating payment information is successful; and
- debiting a user account a second amount that corresponds to the purchase price if the step of validating payment information is successful.

36. (Previously Presented) The method for authorizing the electronic purchase during checkout with the user and the vendor system as recited in claim 35, wherein the vendor account and/or the user account are bank accounts.

37. (Previously Presented) The method for authorizing the electronic purchase during checkout with the user and the vendor system as recited in claim 35, wherein the vendor account and/or the user account are credit card account.

38. (Previously Presented) A computer-readable medium having computer-executable instructions for performing the computer-implementable method for authorizing the electronic purchase during checkout with the user and the vendor system, the computer-readable medium comprising code for:

- receiving purchase information from the vendor system, wherein the purchase information comprises a purchase price;
- requesting payment information from the user;
- receiving payment information from the user with funds transfer system;
- validating the payment information with the funds transfer system;
- crediting a vendor account in a first amount that corresponds to the purchase price if the step of validating payment information is successful; and
- debiting a user account a second amount that corresponds to the purchase price if the step of validating payment information is successful.

39. (Previously Presented) A funds transfer system for paying a vendor in a transaction with a purchaser, wherein the vendor uses a vendor system and the purchaser uses a purchaser system during the transaction, the funds transfer system comprising:

- a first connection with a vendor system;
- a second connection with a purchaser system;
- means for validating the transaction, wherein the purchase validation means comprises:

a machine readable medium having a database comprising purchaser information and vendor information;

means for receiving purchase information from the vendor system;

means for receiving payment information from the purchaser system; and

means for comparing the payment information and the purchase information against the database;

means for electronically notifying the payor that the payment information is not valid if the transaction cannot be verified; and

means for paying the vendor for the purchase.

40. (Previously Presented) The funds transfer system for paying the vendor in the transaction with the purchaser as recited in claim 39, wherein:

the means for paying the vendor comprises a connection to an automated clearing house, and

the automated clearing house transfers funds from a purchaser account to a funds transfer account and from a funds transfer account to a vendor account.

41. (Previously Presented) The funds transfer system for paying the vendor in the transaction with the purchaser as recited in claim 39, wherein the purchase information is selected from the group consisting of vendor identification, name of goods and purchase price.

42. (Previously Presented) The funds transfer system for paying the vendor in the transaction with the purchaser as recited in claim 39, wherein the payment information is selected from the group consisting of financial information of the purchaser, purchaser identification, a password, a name, and an address.

43. (Previously Presented) The funds transfer system for paying the vendor in the transaction with the purchaser as recited in claim 39, wherein the means for receiving purchase information and the means for receiving payment information are a file transfer protocol connection over a network.

44. (Previously Presented) The method for transferring funds from the payor to the payee as part of the checkout process as recited in claim 24, wherein the transferring step comprises steps of:

transferring funds from the payor account to a funds transfer system account; and
transferring funds from the funds transfer system account to a payee account.

45. (Previously Presented) The method for transferring funds from the payor to the payee as part of the checkout process as recited in claim 24, wherein the funds are in at least one of the following forms: a gift certificate, a store credit, airline mileage credit, promotional points, foreign funds, and another currency.

46. (Previously Presented) The electronic transaction method for transferring funds from the user account to the vendor account to compensate the vendor for the purchase selected by the user while accessing the vendor system online and after the user selects from the vendor system the payment option associated with the funds transfer system as recited in claim 29, wherein the requesting step comprises steps of:

causing a pop-up window to be opened on a user machine; and
presenting the validation request in the pop-up window.



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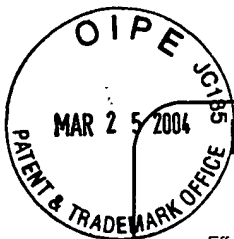
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/516,209
		Filing Date	February 29, 2000
		First Named Inventor	Allen-Rouman, Terry
		Art Unit	3624
		Examiner Name	Bashore, Alain L.
Total Number of Pages in This Submission	18	Attorney Docket Number	020375-002700US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
<div style="text-align: right;">RECEIVED APR 01 2004</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Thomas D. Franklin Reg. No. 43,616
Signature	
Date	March 25, 2004

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CERTIFICATE OF MAILING		
Express Mail Label: EV 325766745 US I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date March 25, 2004 and is addressed to: MAIL STOP: Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450		
Typed or printed name	Cindy Bennett	
Signature		Date March 25, 2004

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 330

Complete if Known

Application Number	09/516,209
Filing Date	February 29, 2000
First Named Inventor	Allen-Rouman, Terry
Examiner Name	Bashore, Alain L.
Art Unit	3624
Attorney Docket No.	020375-002700US

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GROUP 3600**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
	**		**			
Independent Claims						
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	330
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)**

(\$) 330

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Thomas D. Franklin	Registration No. (Attorney/Agent)	43,616	Telephone	303-571-4000
Signature				Date	March 25, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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